



PATENT
Attorney Docket No. 03804.1596-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Manfred BOHN et al.) Group Art Unit: 1618
)
Application No.: 10/606,229) Examiner: V. Kim
)
Filed: June 26, 2003) Confirmation No.: 4228
)
For: USE OF 1-HYDROXY-2-)
PYRIDONES FOR THE)
TREATMENT OF SEBORRHEIC)
DERMATITIS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

09/25/2006 MBERHE 00000040 10606229
01 FC:1806 180.00 OP

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of U.S.P.T.O. publications, including U.S. Patents, published U.S. patent applications, and Office Actions, are not enclosed. Listed foreign patent and non-patent documents of record in prior Application No. 09/077,194, filing date May 26, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120, are not enclosed.

Applicants enclose copies of the listed foreign patent and non-patent documents not of record in prior Application No. 09/077,194.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

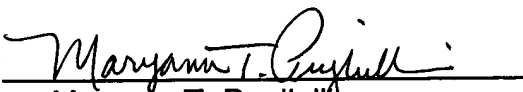
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 22, 2006

By: 
Maryann T. Puglielli
Reg. No. 52,138

IDS Form PTO/SB/08: Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/606,229
		Filing Date	June 26, 2003
		First Named Inventor	Manfred BOHN
		Art Unit	1618
		Examiner Name	V. Kim
Sheet 1 of 2	Attorney Docket Number	03804.1596-01	

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-3,883,545	05-13-1975	Lohaus et al.	
		US-5,510,100	04-23-1996	Picard et al.	
		US-5,609,854	03-11-1997	Guerrero et al.	
		US-5,612,327	03-18-1997	Makino et al.	
		US-5,814,322	09-29-1998	Sebillotte-Arnaud	
		US-6,514,490	02-04-2003	Odds et al.	
		US-20040039030 A1	02-26-2004	Bohn et al.	
		US-20040081677 A1	04-29-2004	Bohn et al.	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation or Equivalent ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		FR 2 722 097 A1	07-11-1994	Laurence		US-5,814,322

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		"Seborrheic Dermatitis," American Academy of Dermatology, pp. 1-4 (2003).	
		Board of Patent Appeals and Interferences Decision on Request for Rehearing dated December 22, 2004 (Appeal No. 2004-0309), related to Application Ser. No. 09/077,194.	
		Consumer Medicine Information, http://medsafe.govt.nz/consumers/cmi/s/stieprox.htm , pp. 1-4, printed on 7/6/2006.	
		Cyclomethicones, http://www.clearcoproducts.com/cyclomethicones.html , pp. 1-5, printed on 7/12/2006.	
		Declaration of Steve Bradford dated February 18, 2005.	
		Declaration of R. Todd Plott dated July 17, 2006.	
		Derwent abstract no. 95-325488 for JP 07 223 971 A (Aug. 22, 1995).	
		Derwent abstract of DE 3826914 A1.	
		Derwent abstract of FR 2 618 068.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PSB 2 2 2001				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/606,229
				Filing Date	June 26, 2003
				First Named Inventor	Manfred BOHN
				Art Unit	1618
				Examiner Name	V. Kim
Sheet	2	of	2	Attorney Docket Number	03804.1596-01

NON PATENT LITERATURE DOCUMENTS			
		Elewski et al., "Continuing Medical Education." <i>J. Amer. Acad. Dermatol.</i> 21:655-73 (1989).	
		Examiner's Answer (to appeal brief) dated April 9, 2003.	
		Helm, B. "Wikipedia: A Work in Progress" from BusinessWeek Online available at http://www.businessweek.com/technology/content/dec2005/tc20051214_441708.htm?chan=db .	
		Interview summary dated October 1, 2002, from Application Ser. No. 09/077,194.	
		Japanese Abstract No. 07082126-A Vol 95, No. 003, March 28, 1995.	
		Loprox Shampoo, MEDICIS, pp. 1-11 and prescribing information as of February 2003.	
		Office Action dated June 16, 1999, from Application Ser. No. 09/077,194.	
		Office Action dated October 14, 1999, from Application Ser. No. 09/077,194.	
		Office Action dated February 1, 2000, from Application Ser. No. 09/077,194.	
		Office Action dated April 17, 2000, from Application Ser. No. 09/077,194.	
		Office Action dated August 28, 2000, from Application Ser. No. 09/077,194.	
		Office Action dated December 5, 2000, from Application Ser. No. 09/077,194.	
		Office Action dated April 24, 2001, from Application Ser. No. 09/077,194.	
		Office Action dated October 24, 2001, from Application Ser. No. 09/077,194.	
		Office Action dated July 18, 2002, from Application Ser. No. 09/077,194.	
		Office Action dated March 2, 2005, from Application Ser. No. 09/077,194.	
		"Seborrheic Dermatitis" from the Amer. Acad. Sci. available at http://www.aad.org/public/Publications/pamphlets/SeborrheicDermatitis.htm accessed July 6, 2006.	
		Seigenthaler, J. "A False Wikipedia biography" from USA Today on line available at http://www.usatoday.com/news/opinion/editorials/2005-11-29-wikipedia-edit_x.htm .	
		"The Merck Index," An Encyclopedia of Chemicals, Drugs, and Biologicals, p1345 (2001).	
		Translation of Abstract of Grosshans et al. "L'Eczema Seborrheique (La Pityrospore)" <i>Ann. Dermatol. Venereol.</i> 115:79-86 (1988).	
		Translation of EP 0 771 187.	
		Translation of FR 2 618 068.	
		Translation of FR 2 685 867.	
		Van Cutsem et al., "Clinical and Laboratory Studies: The <i>in vitro</i> Antifungal Activity of Ketoconazole, Zinc Pyrithione, and Selenium Sulfide Against <i>Pityrosporum</i> and Their Efficacy as a Shampoo in the Treatment of Experimental Pityrosporiasis in Guinea Pigs." <i>J. Amer. Acad. Dermatol.</i> 22:993-98 (1990).	

Examiner Signature		Date Considered	
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